

BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

May 20, 2004

A meeting of the Board of Environmental Protection was held on Thursday, May 20, 2004, at the Holiday Inn / Ground Round in Augusta, Maine. Richard Wardwell, Chair, called the meeting to order at 10:00 a.m. with the following individuals present:

Board: Ernest Hilton, Nancy Anderson, Irving Faunce, Donald Guimond, Katharine Littlefield, Virginia Plummer, Richard Wardwell, Nancy Ziegler and Matt Scott

Absent: Jean T. Wilkinson

<u>Staff:</u>	<u>Bureau of Land and Water Quality</u>	Judy Gates
	<u>Bureau of Land and Water Quality</u>	Dawn Hallowell
	<u>Bureau of Land and Water Quality</u>	Linda Kokemuller
	<u>Bureau of Remediation and Waste Management</u>	Richard Kaselis

Others: David P. Littell, Deputy Commissioner
Mary Sauer, Office of Attorney General
Carol Blasi, Of (FPL Energy Appeal only)
Cynthia Bertocci, Executive Analyst
Terry Hanson, Administrative Assistant

(Meeting adjourned at approximately 5:00 p.m.)

I. DEPARTMENTAL

A. COMMISSIONER'S COMMENTS: Deputy Commissioner David Littell reported the following:

New Brunswick/Maine Border Summit: A recent meeting of Maine and New Brunswick government officials was held in Canada. Governor Baldacci signed a cross border agreement addressing transboundary pollution issues. One key component of the agreement is recognition of the fact that we share bodies of water and have a common goal of keeping the water clean. The agreement promotes consistent environmental regulation to eliminate potential economic business advantages/disadvantages across borders. Additionally the environmental panel recommended: (1) a one seasonal gasoline formulation policy for the Northeastern United States and Maritime Provinces to help minimize supply and price problems associated with variations in fuel formulation; and (2) a joint expression of concern regarding the proposed changes to the US Federal New Source Review Program and the potential ramifications for efforts to control mercury, acid rain, and ozone precursors.

Question:

Board member Nancy Ziegler asked if aquaculture was discussed.

Aquaculture was not discussed at the TransBoundary Summit; however, the International Joint Commission (IJC) has discussed this issue and may address it in the future as they consider various maritime issues.

New Source Review: The New England Environmental Commissioners are considering a report prepared for them by NESCAUM that shows the potential effects of proposed changes to the new source review standards on the Northeastern United States. The increase in the amount of air pollution could exceed that generated by all current sources in New England.

Note: Board member Ziegler asked for a copy of the report when it becomes available.

Lincoln Pulp and Paper / Eastern Fine Paper: The parties are negotiating the final language of the environmental agreement. Closing has been delayed as a result of corporate issues. The asset purchase agreement approved by the court allows the buyer to select the areas of the facility that they wish to purchase. The State will review this selection and make a determination regarding areas that remain as to whether there are environmental clean up and disposal issues.

Question:

Board member Wardwell asked if the Department would monitor the bark piles.

The Deputy Commissioner confirmed that that is exactly what the Department will look at.

Eastern Fine Paper / Brewer: The Department is working with the City of Brewer on a potential acquisition for re-development. There is one other party that maybe interested in the site. It is likely that the Department is going to work with EPA on disposal of the chemicals at the Brewer site.

B. CHAIRMAN'S COMMENTS: NONE

C. EXECUTIVE ANALYST COMMENTS:

The Executive Analyst reminded Board members that a draft order in the matter of Anne Hannum is scheduled for consideration on June 3rd. Board members Mr. Hilton, Ms. Littlefield, Ms. Wilkinson, Mr. Wardwell and Ms. Plummer need to participate in the decision along with one additional member present to constitute a quorum.

The Board has received three appeals regarding the Commissioner's decision to approve a modification to the West Old Town Landfill. Presiding Officer, Plummer has dismissed one of the appeals as untimely. The applicant has until June 9, 2004 to file a response to the appeal. Following the applicant's filing, the Executive Analyst will work on establishing a schedule for the Board's consideration of the appeal.

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| D. BOARD CALENDAR: | Reviewed |
| E. DEPARTMENTAL ORDERS: | Reviewed |
| F. EXECUTIVE SESSION: | None |

II CONSENT AGENDA ITEMS

The Board voted (8-0-1-1) on a motion to approve as presented item 1.

Board members Ernest Hilton, Nancy Anderson, Irving Faunce, Katharine Littlefield, Virginia Plummer, Richard Wardwell, Nancy Ziegler and Matt Scott voted to support the motion. Board member Donald Guimond abstained. Board member Jean T. Wilkinson was absent.

1. TOWN OF FORT KENT, Fort Kent – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)

The Board voted (9-0-0-1) on a motion to approve item 2 as presented.

Board members Ernest Hilton, Nancy Anderson, Irving Faunce, Katharine Littlefield, Virginia Plummer, Donald Guimond, Richard Wardwell, Nancy Ziegler, and Matt Scott voted to support the motion. Board member Jean T. Wilkinson was absent.

2. JOHN W. GOODWIN, JR. CONSTRUCTION, Dover-Foxcroft – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)

III. Regular Agenda

1. ENPRO SERVICES OF MAINE INC. / HAZARDOUS WASTE TRANSFER FACILITY AND WASTE OIL STORAGE AND COMMERCIAL HAZARDOUS WASTE STORAGE AND TREATMENT FACILITY (approval, renewal license)

Staff: Rick Kaselis, Bureau of Remediation and Waste Management

The Board voted (9-0-0-1) on a motion to approve the draft renewal license of ENPRO Services of Maine Inc., for a Hazardous Waste Transfer Facility and Waste Oil Storage and Commercial Hazardous Waste Storage and Treatment Facility. The vote was taken pursuant to 38 M.R.S.A. Section 1301 et seq. The draft proposed renewal order was amended on page 37 as follows:

BASED on the above Findings of Fact and subject to the conditions listed below, the ~~Department~~ Board makes the following...

Board members Ernest Hilton, Nancy Anderson, Irving Faunce, Katharine Littlefield, Virginia Plummer, Donald Guimond, Richard Wardwell, Nancy Ziegler and Matt Scott voted to support the motion. Board member Jean T. Wilkinson was absent.

2. DEPARTMENT OF INLAND FISH AND WILDLIFE – APPLICATION FOR ALL TIDE BOAT RAMP AT MERE POINT (appeal of Fifth Procedural Order)

Staff: Cynthia S. Bertocci, BEP Executive Analyst

Staff: Dawn Hallowell, Bureau of Land and Water Quality

The Board voted (7-2-0-1) on a motion to affirm the Fifth Procedural Order finding that the applicant has demonstrated sufficient title, right or interest in the property and easement rights to use Birch Island Road in the matter of the application of Inland Fish and Wildlife for construction of an all tide boat ramp at Mere Point in Brunswick. The vote was taken pursuant to 38 M.R.S.A. Section 480-A et seq. and 06-096 CMR 2.

Board members Ernest Hilton, Nancy Anderson, Donald Guimond, Virginia Plummer, Richard Wardwell, Nancy Ziegler and Matt Scott voted to support the motion. Board members Irving Faunce and Katharine Littlefield voted opposed. Board member Jean T. Wilkinson was absent.

The Board Reconvened at 1:30 to conduct a public hearing for the following:

Chapter 130 Solvent Cleaner / Repeal and Replace

Informational Session:

All informational sessions were postponed to allow for adequate time to complete review of the regular agenda items.

Wetland Mitigation

Staff: Judy Gates, Bureau of Land and Water Quality

Enforcement and Compliance Overview

Staff: Jim Dusch, Office of the Commissioner